

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES RICE	:	22 – cv -
Petitioner,	:	
v.	:	
	:	
TOM McGINLEY,	:	
Sup’t SCI Coal Twp.	:	
Respondent.	:	
	:	
	:	

**APPENDIX TO PETITIONER’S PETITION FOR A
WRIT OF HABEAS CORPUS AND CONSOLIDATED
MEMORANDUM OF LAW, PURSUANT TO 28 U.S.C. §2254**

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Charles Rice

Dated: December 21, 2022
Philadelphia, PA

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***This memo is to be emailed to the Unit Chief. It should never be placed in trial file.**

CR COPY

Rice/Linder

This shooting: 9/25/2011 at 9:35 p.m.

- Two defendants (CJ Rice and Tyler Linder)
- Four Victims
 - Denean Thomas (6 years old-passed away)
 - Khalief Ladson (not cooperating)
 - Latoya Lane (23 years old-told detectives that she saw two males, but could only ID the male she was looking at-Tyler Linder)
 - Latrice Johnson (35 years old- told detectives that she saw two males, but could only ID the male she was looking at-Charles Rice)

Additional facts: Victims could not tell the police at the scene who did the shooting. At the hospital a day later both victims gave a statement ID'ing the defendants. Both victims have known the defendants for a long time. Officers recover FCC's at the scene.

Motive:

On 9/3/2011, defendant Rice was riding his bike with Linder when a vehicle pulled up and opened fire. Rice was hit in the hip and butt.

- Sole Suspect: Khalief Ladson
- Rice, Linder, Ladson all refused to cooperate
- 5th Street v 7th Street

Problems:

- ID-victims both can ID only one of the two defendants and they do not tell police/nurses immediately who shot them
- Rice is going to have a doctor testify that he could not have done the shooting, because of his prior gunshot wounds. Other medical evidence can be used to disprove that. Rice's alibi witnesses have never cooperated with our office.

Alibi issues: BIG PROBLEM for Tyler Linder

- On 9/27/2011: Tyler Linder gave a statement to Detective Johnson saying that he was working for his mom at the time of the shooting
- On 9/27/2011: Tyler Linder's mom gave a statement to Detective Vega concerning his son's whereabouts at the time of the shooting. (says that they got home around 11:00 p.m.)
- On 9/27/2011: Tyler Linder's mom gave a second statement to Detective Vega after they viewed the video of the store.
- On 9/27/2011: Tyler Linder's little brother gave a statement to Detective Spadaccini.

University of Pennsylvania Health System
EMTRAC
Electronic Patient Record
 (Original record archived in UPHS department of Emergency Medicine)
Hospital of the University of Pennsylvania
Emergency Medicine Department

JOHNSON, LATRICE	DOB: [REDACTED]
[REDACTED]	Gender: [REDACTED]
[REDACTED]	SSN: [REDACTED]
Home tel: [REDACTED]	MR: [REDACTED]
EM Con t: [REDACTED]	EMPR: [REDACTED]
PP:	PP tel:
	PP fax:

Emergency Medicine Department

1-Attending

09/25 22:55 David Lambert MD

09/25 22:55 -

I supervised care, housestaff, and any procedures. I performed a history and physical on the patient. I spoke with the housestaff and discussed their history, physical examination, assessment, and plan and agree with them. I reviewed the housestaff's note and agree with the documented findings and plan of care.

Briefly -> This is a [REDACTED] w/ c/o multiple GSW's to B/L lower extremities immediately pta. Pt arrived ambulatory. She denies numbness/weakness to feet or significant swelling. Details of shooting are unclear. Pt reports sitting on porch, heard shots then felt wounds. No other injuries or c/o.

PMHx/PSHx/SHx/FHx/Meds- as per HPI/HO/triage notes (reviewed)

ROS -> as per HPI, o/w negative in detail

On Exam ->

VS reviewed

gen: well appearing in no distress, aaox3

ext: pulses equal x4, no cce, mae x4, soft compartments ble's

neuro: nonfocal

skin: multiple small 3-5mm gsw wounds to b/l lower ext w/ good palpable pulses no active bleeding, palpable shrapnel in various wounds

Severity:

Moderate

IMP:

Multiple GSW's

Dispo:

Pending - pt signed out to oncoming MD at 11pm

Trauma consult obtained and pt seen along w/ Dr. Kim

09/25 22:55 Discharge condition

Stable

09/28 11:34 Robert Neumar MD

09/28 11:34 -

Assumed care from Dr. Lambert at 2300 shift change. Case discussed and chart reviewed.

[REDACTED] with multiple skin wounds to lower extremities associated with gunshots. Differential includes shotgun wounds vs. flying debris. T-surg consulted. Plan ABIs, x-rays, tetanus booster, wound management.

Re-eval: Pt resting comfortably on stretcher. States she was sitting on front porch, heard shooting, ran into house and felt burning in her legs. Note multiple wounds both lower extremities. Denies other injuries. Denies sensory or motor dysfunction. Ambulating without difficulty.

Multiple 2-3 mm wound in bilateral lower extremities. Full ROM without pain. No sensory or motor dysfunction.

X-rays; No fx or foreign bodies detected.

First Judicial District of Pennsylvania

*51CR00413432011, 51CR00413462011,
51CR00414022011...
Charles Rice*

*Preliminary Hearing Volume 1
December 09, 2011*



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514-0004
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[1] Q Can you tell the Judge either by name,
 [2] point of finger who that person is?

[3] A Right here with the blue hoodie.

[4] MR. BOYD: Indicating for the
 [5] record, Charles Rice. I'm sorry, the one
 [6] farthest away from me?

[7] THE WITNESS: Yes.

[8] MR. BOYD: Indicating for the
 [9] record the witness identified, I believe
 [10] Charles Rice.

[12] Q What happened on that day that brings
 [13] you to court? Tell the Judge what happened.

[14] A I was sitting on my mother's step, and I
 [15] was facing like towards, it was a small street
 [16] right here, Fernon Street --

[17] MR. BOYD: Indicating for the
 [18] record to the left of the witness.

[19] BY MR. BOYD:

[20] Q Go ahead.

[21] A Yes. So I'm preparing to take my
 [22] children home, but my niece came out the house
 [23] crying. She wanted my mother, who had just left.

[24] Q Which niece are you talking about?

[25] A I'm talking about Denean, the six year

[1] old. As I'm sitting on the step -- actually, I
 [2] ordered food, and we were waiting for the food to
 [3] be delivered, so we were stalling waiting for the
 [4] delivery man. So I noticed these two guys come
 [5] out of Fernon Street --

[6] Q When you say come out, are you
 [7] talking --

[8] A Coming towards us

[9] Q What's the other street on the other end
 [10] of Fernon?

[11] A Seventeenth Street. And they stopped

[12] like diagonal across from us and just started

[13] shooting. It was two guys, one had a gray hoodie,
 [14] one had a black hoodie. But this guy, C.J. is the
 [15] one I noticed because I'm facing right towards
 [16] him --

[17] THE COURT: Who is C.J.?

[18] THE WITNESS: Charles Rice.

[19] THE COURT: You're saying

[20] you're killing time waiting for food,

[21] correct?

[22] THE WITNESS: Yes.

[23] THE COURT: And these

[24] individuals, the one you identified as

[25] Rice, came diagonally across from the

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[1] house you were in?

[2] THE WITNESS: Yes.

[3] THE COURT: And did what?

[4] THE WITNESS: I was sitting on

[5] the step, and I'm facing towards them, and

[6] they just started shooting.

[7] BY MR. BOYD:

[8] Q Before I go any further, are they on the
 [9] same side of the street as you or on the opposite
 [10] side?

[11] A The opposite side of the street.

[12] Q Are they on Fernon Street or actually on
 [13] the sidewalk of the corner of Fernon --

[14] A On the corner. It's a school step right
 [15] there, so they're right next to the school steps.

[16] Q And you said they started shooting?

[17] A Yes.

[18] Q Can you identify the other person or no?

[19] A No.

[20] Q Did you see both C.J. or Charles shoot
 [21] as well as the other person?

[22] A Yes.

[23] Q Do you know how many shots you heard
 [24] total between the two?

[25] A No.

[1] Q When they were shooting at you, where is
 [2] Denean?

[3] A All the children were right here next to
 [4] me.

[5] Q When you say all the children, I know,

[6] let's just go through, Denean, the six year old

[7] was next to you?

[8] A Yes. Only on the step next to me was
 [9] Denean, Khiya, my five year old, Kyier, my seven
 [10] year old and Kalif.

[11] Q And that's your 17 year old?

[12] A Yes.

[13] Q At least at the time?

[14] A Yes.

[15] Q Where was your stepdaughter, Latoya?

[16] A She had walked across the street. It's
 [17] like a basketball court.

[18] Q Across the street is there a school or
 [19] church of some sort right across the street with
 [20] the basketball court?

[21] A School steps, yes.

[22] Q Was she across the street when the
 [23] shooting started?

[24] A Yes.

[25] Q Did you ever see her come back to your

INVESTIGATION INTERVIEW RECORD

CONTINUATION SHEET

CITY OF PHILADELPHIA
POLICE DEPARTMENT

NAME

PAGE

CASE NO.

MARKER'S

18th Street

1900 Mountain St

ST. THOMAS AQUINAS School

Westmoreland's Clear

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ONEWAY

18th Street

1900 FERNON ST

ONEWAY

Vehicle

#1 HR5-008

#2 GVU-5114 white car

#3 675-5788 Lincoln

#4 FLN-3352 Lincoln

#5 QNZ-1721-1000

#6 FLR-5630 - Mustang

#7 HTJ-0827-Saturn

0 = CABINETS

12 9mm